

AMENDMENTS TO LOCAL RULES OF PRACTICE - DISTRICT OF UTAH
ADOPTED JANUARY 28, 2005

DUCivR 5-1 FILING OF PAPERS

(a) Electronic Filing Permitted. Papers may be filed, signed, and verified by electronic means consistent with the administrative procedures (ECF Procedures) adopted by the court to govern the court's electronic case filing system. A paper filed by electronic means in compliance with the ECF Procedures constitutes a written paper for the purpose of applying these rules.

(b) Filing of Pleadings and Papers. Barring extraordinary circumstances, all pleadings and other case-related papers required to be filed with the court must be filed with the clerk at the office of record in Salt Lake City (i) in person during the business hours set forth in DUCivR 77-1, (ii) in the twenty-four (24) hour filing box located on the south porch of the courthouse, or (iii) by mail, or (iv) through the court's electronic filing system. At the time of filing of a document pursuant to subparagraphs (i), (ii), and (iii), the clerk will require:

- (1) the original of all proposed orders, certificates of service, and returns of service;
- (2) the original and ***one (1)*** copy of all pleadings, motions, and other papers; and,
- (3) the original and ***two (2)*** copies of all pleadings, motions, and other papers pertaining to a matter that has been referred to a magistrate judge.

Attorneys or parties to any action must not forward originals of pleadings, memoranda, or proposed orders directly to a judge. When court is in session elsewhere in the district, pleadings, motions, proposed orders, and other pertinent papers may be filed with the clerk or with the court at the place where court is being held.

(c) Filing Time Requirements. Unless otherwise directed by the court, all documents pertaining to a court proceeding must be filed with the clerk a minimum of **two (2) business days** before the scheduled proceeding.

(d) Filing of Discovery and Disclosures. Discovery and disclosure documents, including depositions, must be filed in accordance with DUCivR 26-1 (b) and (c).

DUCivR 7-1 MOTIONS AND MEMORANDA

(a) **Motions.** ~~The original and a copy of a~~ All motions must be filed with the clerk of court, or presented to the court during proceedings, except as otherwise provided in this rule and in DUCivR 5-1. Copies shall be provided as required by DUCivR 5-1. Motions must set forth succinctly, but without argument, the specific grounds of the relief sought. Failure to comply with the requirements of this section may result in sanctions that may include (i) returning the motion to counsel for resubmission in accordance with the rule, (ii) denial of the motion, or (iii) other sanctions deemed appropriate by the court. Merely to repeat the language of a relevant rule of civil procedure does not meet the requirements of this section.

(b) Supporting Memoranda.

- (1) Memoranda of Supporting Authorities. Except as noted below or otherwise permitted by the court, each motion must be accompanied by a memorandum of supporting authorities that is filed or presented with the motion. Although all motions must state grounds for the request and cite applicable rules, statutes, or other authority justifying the relief sought, no memorandum of supporting authorities is required for the following types of motions:

(A) to extend time for the performance of an act, whether required or permitted, provided the motion is made prior to expiration of the time originally prescribed or previously extended by the court;

(B) to continue either a pretrial hearing or motion hearing;

(C) to appoint a next friend or guardian ad litem;

(D) to substitute parties;

(E) for referral to or withdrawal from the court's ADR program;

(F) for settlement conferences; and

(G) for approval of stipulations between the parties.

- (2) Concise Memoranda. Memoranda must be concise and state each basis for the motion and limited citations to case or other authority.

- (3) Length of Memoranda; Filing Times. Memoranda supporting or opposing all motions, including those under Fed. R. Civ. P. 12(b), except those for or treated as for summary judgment, must not exceed ten (10) pages, exclusive of face sheet, table of contents, statements of issues and facts, and exhibits. A memorandum opposing a motion must be filed within fifteen (15) days after service of the motion or within such extended time as allowed by the court. A reply memorandum may be filed at the discretion of the movant within seven (7) days after service of the memorandum opposing the motion. A reply

memorandum must be limited to rebuttal of matters raised in the memorandum opposing the motion and must not exceed ten (10) pages. No additional memoranda will be considered without leave of court. Attorneys may stipulate to shorter briefing periods and fewer memorandum pages, and the court encourages them to do so.

- (4) **Citations of Supplemental Authority.** When pertinent and significant authorities come to the attention of a party after the party's memorandum has been filed, or after oral argument but before decision, a party may promptly file a letter with the court and serve a copy on all counsel, setting forth the citations. There must be a reference either to the page of the memorandum or to a point argued orally to which the citations pertain, but the letter must state, without argument, the reasons for the supplemental citations. Any response must be made, filed promptly, and be similarly limited.

- (c) **Supporting Exhibits to Memoranda.** If any memorandum in support of or opposition to a motion cites documents, interrogatory answers, deposition testimony, or other discovery materials, relevant portions of those materials must be attached to or submitted with the memorandum when it is filed with the court and served on the other parties.
- (d) **Failure to Respond.** Failure to respond timely to a motion may result in the court's granting the motion without further notice.
- (e) **Leave of Court and Format for Lengthy Memoranda.** If a memorandum is to exceed the page limitations set forth in this rule, leave of court must be obtained. A motion for leave to file a lengthy memorandum must include a statement of the reasons why additional pages are needed and specify the number required. The court will approve such requests only for good cause and a showing of exceptional circumstances that justify the need for an extension of the specified page limitations. Absent such showing, such requests will not be approved. A lengthy memorandum must not be filed with the clerk prior to entry of an order authorizing its filing. Memoranda exceeding page limitations, for which leave of court has been obtained, must contain under appropriate headings and in the order here indicated:
- (1) a table of contents, with page references, listing the titles or headings of each section and subsection;
 - (2) a statement of the issues related to the precise relief sought;
 - (3) a concise statement of facts, with appropriate references to the record, relevant to the issues concerning the precise relief sought;
 - (4) argument, preceded by a summary, containing the contentions of the party with respect to the issues presented and the reasons for them, with citations to the authorities, statutes, and parts of the record relied on; and

(5) a short conclusion stating the precise relief sought.

- (f) **Oral Arguments on Motions.** The court on its own initiative may set any motion for oral argument or hearing. Otherwise, requests for oral arguments on motions will be granted on good cause shown. If oral argument is to be heard, the motion will be promptly set for hearing. Otherwise, motions are to be submitted to and will be determined by the court on the basis of the written memoranda of the parties.

See [DUCivR 56-1](#) for specific provisions regarding summary judgment motions and memoranda in support and opposition to such motions.

DUCivR 10-1 GENERAL FORMAT OF PAPERS

(a) **Form of Pleadings and Other Papers.** Except as otherwise permitted by the court or a magistrate judge for institutionalized persons, ~~the original of~~ all pleadings, motions, and other papers:

- (1) presented for filing in person or by mail must be on 8 ½ x 11 inch white paper of good quality, with a top margin of not less than 1½ inch, all other margins of not less than 1 inch, and impression only on one side of the paper. Such originals must be two-hole drilled at the top of each page; **and** must be flat and unfolded, ~~and must be plainly typewritten or printed.~~ **or**
- (2) **transmitted for filing through the court's electronic filing system must conform to the ECF Procedures.**

Where required, copies of all originals must be prepared by using a clearly legible duplication process; copies produced via facsimile transmission are not acceptable for filing with the court. ~~Originals and copies~~ **Text** must be **typewritten or plainly printed** **and** double-spaced except for quoted material and footnotes. Each page must be numbered consecutively. The top of the first page of each paper filed with the court must contain the following:

Counsel Submitting and Utah State Bar Number⁽²⁾

Attorney For

Address

Telephone

Fax Number

E-Mail Address

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, _____ DIVISION**

Name of Case

Case No. w/ District Judge Initials

Title of Document

**Magistrate Judge's Name (When
Applicable)**

Proposed orders submitted to the court must comply with DUCivR 54-1. Such orders must be prepared and submitted as separate documents, not attached to or included in motions or pleadings.

The address of a party must be included on the first document filed by an attorney on

behalf of that party. All documents served or filed after the commencement of a case must include the properly captioned case number. For example:

| | |
|---|--------------------------------------|
| Central Division Civil Cases | 2:97<u>05</u>CV0001<u>PGC</u> |
| Northern Division Civil Cases | 1:97<u>05</u>CV0001<u>PGC</u> |
| Central Division Criminal Cases | 2:97<u>05</u>CR0001<u>PGC</u> |
| Northern Division Criminal Cases | 1:97<u>05</u>CR0001<u>PGC</u> |

Legend:

2 = Central Division

1 = Northern Division

97 05 = Calendar Year

CV = Civil Case

CR = Criminal Case

0000 = Consecutive Case Number

PGC = Assigned Judge

The title of each document must indicate its nature and on whose behalf it is filed.

Where jury trial is demanded in or by endorsement upon a pleading as permitted by the Federal Rules of Civil Procedure, the words "JURY DEMANDED" must be ~~typed~~ placed in capital letters on the first page immediately below the title of the pleading.

Where a matter has been referred to a magistrate judge, the caption for all motions, pleadings, and related documents in the matter must include the name of the magistrate judge below the title of the document.

- (b) **Examination by the Clerk.** The clerk of court will examine all pleadings and other papers filed and may require counsel to properly revise or provide required copies of pleadings or other ~~documents~~ papers not conforming to the requirements set forth in these rules.